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Lanxess Corporation  
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In re Application of	:	
BRUDER et al.	:	NOTIFICATION
Application No.: 10/534,849	:	
PCT No.: PCT/EP03/12280	:	
Int. Filing Date: 04 November 2003	:	
Priority Date: 15 November 2002	:	
Attorney's Docket No.: CH8351/LeA 36,481	:	
For: OPTICAL DATA STORE COMPRISING A CO	:	
PHTHALOCYANINE HAVING AN AXIAL	:	
SUBSTITUENT...INFORMATION LAYER	:	

This is a decision on the submission filed via facsimile transmission by applicants on 12 October 2005, which was accompanied by, *inter alia*, a declaration of the inventors.

**BACKGROUND**

On 04 November 2003, applicants filed international application PCT/EP03/12280 which claimed a priority date of 15 November 2002 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 03 June 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 16 May 2005 (15 May 2005 being a Sunday).

On 13 May 2005, applicants filed, *inter alia*, a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 28 September 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date were required.

On 12 October 2005, applicants filed the instant submission via facsimile transmission which was accompanied by, *inter alia*, a declaration of inventors and the surcharge under 37 CFR 1.492(e).

### **DISCUSSION**

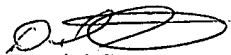
The declaration of inventors filed 12 October 2005 is not in compliance with 37 CFR 1.497(a)-(b). There is a difference in names in the first-named inventor between the published international application (Horst Bruder) and the declaration of inventors (Horst Berneth). Because this difference in names is more than a mere typographical error or a phonetic misspelling of applicant's legal name, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of \$400 as well as a statement from the inventor. This statement should set forth that he is a joint inventor of the subject matter of the present application and should set forth the circumstances surrounding the difference in names on the international application and the declaration.

### **CONCLUSION**

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response.

**Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.**

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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